

REMARKS

Claims 1-4 are all the claims pending in the application.

I. Formal Matters

Applicant thanks the Examiner for initialing and returning the PTO SB/08 Form submitted with the Information Disclosure Statement of March 26, 2004, indicating that the documents cited therein have been considered. Applicant also thanks the Examiner for indicating acceptance of the drawings filed on March 26, 2004 and acknowledging the foreign priority claim and receipt of the priority document.

II. Examiner Objection

The Examiner has objected to the title as allegedly not being descriptive. Applicant has amended the title to overcome the objection.

III. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,693,673 to Tanaka et al. (“Tanaka”) in view of U.S. Patent No. 6,618,090 to Kidono et al. (“Kidono”)

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tanaka in view of Kidono. Applicant respectfully traverses the rejection.

A. Claim 1

Applicant submits that the cited references fail to teach all of the features of claim 1. For example, claim 1 recites *inter alia*, “...wherein the photometry section measures the brightness of field when the aperture member is of a predetermined first aperture caliber which is a relatively large aperture caliber, and measures the brightness of field in halfway through change over of the aperture member from the first aperture caliber to a predetermined second aperture caliber which is relatively smaller than the first aperture caliber when a photometry of the brightness of field is impossible because of an exposure over with the first aperture caliber, and

wherein the exposure control section controls the exposure ... when the photometry section measures the brightness of field in halfway through change over of the aperture member from the first aperture caliber to the second aperture caliber.”

The Examiner concedes that Tanaka fails to teach these features of claim 1, but maintains that Kidono cures the deficient teachings of Tanaka with respect to the above-identified features. Specifically, the Examiner contends that the exposure operation/control section 14 of Figure 1 of Kidono measures the brightness of field in halfway through change over of the aperture member from the first aperture caliber, which the Examiner alleges corresponds to time $2T_1$ of Figure 4, to a predetermined second aperture caliber, which the Examiner alleges corresponds to time $2T_2$ of Figure 4, which is relatively smaller than the first aperture caliber, when a photometry of the brightness of field is impossible because of an exposure over with the first aperture caliber. *See* Office Action at page 4. However, claim 1 is directed to measuring brightness when an aperture member is set at different calibers, whereas Kidono is directed to capturing images at different exposure times. *See* Kidono at col. 8, lines 35-40. For example, referring to Figure 4 of Kidono, an image is captured by the device taught by Kidono at time $2T_1$, at time T_1 and at time $2T_2$. After each time period has elapsed, an image is output from CCD 5, as shown in Figure 4(d) of Kidono. *See* Kidono at col. 8, lines 35-40. The output from the CCD 5 is then used to generate integration values $2EI+SI$ and $EI'+SI'$, which are output to the exposure operation/control circuit 14. The exposure operation/control circuit 14 uses the integration values to compare the AE operation value, $2EI+SI - (EI'+SI')$, to a target value to determine the length of the next exposure time. *See* Kidono at col. 8, lines 40-51.

In other words, the Examiner is analogizing exposure times $2T_1$ and $2T_2$ of Kidono to the claimed first and second aperture calibers, respectively. However, the reference fails to teach

that brightness of field is measured “in halfway through change over of the aperture member from the first aperture caliber to a predetermined second aperture caliber which is relatively smaller than the first aperture caliber.” Kidono makes no indication that the aperture caliber of the aperture member is changed between exposure times 2T1 and 2T2. In fact, Kidono teaches that “when the AE area integration value EI+SI or SI’ is received, the aperture of the diaphragm 4 and the gain of the GC circuit 8 are maintained at the same value.” *See* Kidono at col. 6, lines 29-31. In addition, exposure time 2T2, which the Examiner alleges corresponds to the claimed second aperture caliber, is not “relatively smaller than the first aperture caliber”, which the Examiner alleges corresponds to exposure time 2T1, as claimed in claim 1.

Furthermore, claim 1 states that brightness is measured halfway through change over of the aperture member from the first aperture caliber to a predetermined second aperture caliber...when a photometry of the brightness of field is impossible because of an exposure over with the first aperture caliber. The Kidono reference fails to teach at least this feature. Even assuming *arguendo* that exposure times 2T1 and 2T2 of Kidono correspond to the claimed first and second aperture calibers, respectively, Kidono fails to teach that exposure time 2T2 occurs “because of an exposure over with” exposure time 2T1.

Furthermore, Applicant submits that the Examiner has not provided a sufficient motivation to combine the teachings of Tanaka and Kidono. “To establish a prima facie case of obviousness, ...there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP § 2143. For example, Tanaka is directed to an apparatus that allows for an increase in the maximum distance at which a subject can be illuminated to the appropriate brightness. Specifically, Tanaka teaches that when the distance to

the subject is equal to or less than the maximum distance, the exposure time is set to a predetermined value and the amount of the flash light emitted is controlled based on the amount of light reflected from the subject. If the distance to the subject is greater than the maximum distance, the exposure time is set to be longer than the predetermined value in order to use a larger amount of ambient light to illuminate the subject. *See Tanaka at Abstract.* In other words, Tanaka teaches that if the distance between the subject and the camera exceeds a maximum value, the exposure time is increased to allow ambient light to illuminate the subject to the appropriate brightness.

On the other hand, Kidono is directed to an apparatus that can prevent exposure errors resulting from smears when determining exposure conditions of digital cameras to record images of bright scenes in which smears occur. *See Kidono at col. 2, lines 39-44.* Specifically, Kidono teaches that the apparatus obtains an exposure evaluation value containing almost no smear component by capturing images “in a first exposure time and in an exposure time which is practically twice that of the first exposure time.” *See Kidono at col. 2, lines 45-60.* Therefore, one having ordinary skill in the art would not be motivated to combine the teachings of Tanaka, which allows illumination of subjects at greater distances, with the teachings of Kidono, which eliminates smear errors by capturing images at different exposure times, because the cited references contain different exposure settings.

Accordingly, Applicant submits that claim 1 is patentable over the cited references for at least the foregoing reasons.

B. Claims 2 and 3

With regard to claims 2 and 3, the Examiner contends that element 211 of Figure 1 of Kidono corresponds to the claimed photography timing control section. However, the cited

figure of Kidono does not contain an element 211. It appears the Examiner intended to allege that the Tanaka reference discloses the features of claims 2 and 3. Nevertheless, since claims 2 and 3 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 4

Since claim 4 contains features that are similar to the features discussed above in conjunction with claim 1, Applicant submits that it is patentable for at least similar reasons.+

IV. Newly Added Claims

Applicant has added new claims 5 and 6. Since claims 5 and 6 are dependent upon claim 1, Applicant submits such claims are patentable at least by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

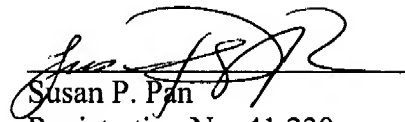
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